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 CITY OF SAN RAMON

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

PHANTOM LS RECORDS LLC, SUMANTE
 J. HUTCHINSON,

Plaintiffs,

vs.

STATE OF CALIFORNIA, et al.,

Defendants.

Case No. 3:21-cv-05787- EMC

**JOINT CASE MANAGEMENT
 CONFERENCE STATEMENT OF
 DEFENDANTS CITY OF REDWOOD
 CITY AND CITY OF SAN RAMON**

Date: May 24, 2022
Time: 1:30 p.m.
Judge: Hon. Edward M. Chen
Dept.: Courtroom 5, 17th Floor

VIA ZOOM

Defendant CITY OF REDWOOD CITY (“Redwood City”) and Defendant CITY OF SAN RAMON (“San Ramon”) hereby submit the joint defense Case Management Conference Statement. Plaintiff SUMANTE J. HUTCHINSON (“Plaintiff”) is representing himself in *pro per*. Defendants submit their separate joint defense Case Management Conference Statement pursuant to Local Rule 16-9(a).

1. Jurisdiction and Service

Plaintiff brings this action against San Ramon for alleged First and Fifth amendment violations. San Ramon filed an Answer before being served. San Ramon does not dispute jurisdiction or venue, and has waived service. Additionally, Plaintiff previously advised the Court that he was unable to serve Defendants State of California, University of California, Santa Cruz and Kaiser Permanente and he would not pursue claims against them. Based on the online docket, it appears that Plaintiff has not filed dismissals of these defendants.

2. Facts

Plaintiff’s Facts Per Allegations of the Amended Complaint

Plaintiff alleges that by August 2020, San Ramon, through its Police Department, along with other parties and/or one or more third parties, knowingly violated his First and Fifth Amendment rights, including via false arrests and abusing 72-hour involuntary detention. San Ramon’s First Amendment violations have allegedly caused Plaintiff to lose his business assets, preventing him from earning a living as a musician, his chosen occupation.

Redwood City’s Facts

Redwood City is aware of interactions between law enforcement personnel and Plaintiff due to citizen complaints regarding Plaintiff on August 17, 2020 and August 18, 2020. Redwood

City personnel did not have possession, custody or control over nor were they responsible for any alleged damage or loss to Plaintiff or his property.

San Ramon's Facts

In nine interactions with Plaintiff between 2013 and October 2020, San Ramon Police acted within the scope of its legal authority and at no time held or destroyed Plaintiff's property.

3. Legal Issues

Based upon Plaintiff's Amended Complaint, the legal issues to be addressed include:

- 1) whether Plaintiff can prove the required elements of a claim under the Government Code;
- 2) whether Plaintiff can prove the required elements of a claim under section 1983 as to San Ramon;
- 3) whether defendants are immune from liability under state law;
- 4) whether defendants are entitled to qualified immunity;
- 5) whether Recology employees are Redwood City workers;
- 6) whether Plaintiff can prove causation; and
- 7) whether Plaintiff can prove his alleged damages.

4. Motions

Redwood City and San Ramon anticipate filing motions for summary judgment and/or summary adjudication at the conclusion of discovery.

5. Amendment of Pleadings

Plaintiff's deadline to file and serve a Second Amended Complaint has expired.

6. Evidence Preservation

Redwood City and San Ramon are aware of their obligation to preserve evidence.

7. Disclosures

Defendants will serve initial disclosures on or before July 1, 2022.

8. Discovery

Discovery has not yet commenced. Defendants anticipate conducting written discovery, as well as deposing Plaintiff and potential witnesses. Expert discovery may also be necessary.

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1 **9. Class Actions**

2 Not applicable.

3 **10. Related Cases**

4 Redwood City and San Ramon are unaware of any related cases at this time.

5 **11. Relief**

6 Plaintiff requests over \$30,000 in monetary compensation for alleged loss of value to his
7 business and property, as well as emotional distress. Redwood City may seek costs and reasonable
8 attorney's fees pursuant to California Code of Civil Procedure §§1021.7 and 1038.
9

10 **12. Settlement and ADR**

11 Defendants are amenable to participation in an early settlement conference with a
12 Magistrate Judge after the following has occurred: 1) Plaintiff's responses to written discovery
13 received; and 2) Plaintiff has been deposed.

14 **13. Consent to Magistrate Judge for All Purposes**

15 Redwood City previously consented to Magistrate Judge Sallie Kim.

16 **14. Other References**

17 Not applicable.

18 **15. Narrowing Issues**

19 Not anticipated at this time.

20 **16. Expedited Trial Procedure**

21 Not applicable.

22 **17. Scheduling**

23 Defendants Redwood City and San Ramon propose the following case schedule:

24 Close of Non-Expert Discovery: December 31, 2022

25 Expert Designations: January 27, 2023

26 Rebuttal Expert Designations: February 17, 2023
27
28

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Close of Expert Discovery: March 2, 2023
 Last Day to File Dispositive Motions: March 16, 2023
 Last Day to Hear Dispositive Motions: April 20, 2023
 Pretrial Conference: June 27, 2023
 Trial: July 24, 2023

18. Trial

Redwood City and San Ramon request a jury trial and anticipate that trial will take 5-7 court days.

19. Disclosure of Non-party Interested Entities or Persons

Redwood City and San Ramon are exempt from the Certification or Interested Entities or Persons requirement pursuant to Local Rule 3-15.

20. Professional Conduct

Counsel for Redwood City and San Ramon have reviewed the Guidelines for Professional Conduct for the Northern District of California.

Date: May 17, 2022

RIDLEY♦MASTER

By: /s/ Rhonda L. Woo

Todd H. Master
 Lisa K. Rauch
 Rhonda L. Woo
 Attorneys for Defendant
 CITY OF REDWOOD CITY

Date: May 17, 2022

Clapp, Moroney, Vucinich, Beeman and Scheley

By: /s/ Sherrett O. Walker

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 CITY OF SAN RAMON